

Resolution No.:	16-677
Introduced:	July 22, 2008
Adopted:	July 29, 2008

## **COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Approval of adopting regulations governing building and demolition permits for the Oakmont Citizens Committee

### **Background**


1. Under state law codified as Montgomery County Code §70-1, the subdivision of Oakmont (hereafter called "Oakmont") is a Special Taxing District. The Oakmont Citizens' Committee may recommend regulations for adoption by approval of the County Council pursuant to Code §70-6.
2. On April 8, 2008, the Oakmont Citizens' Committee approved the attached Regulation and sent it to the County Council for approval on May 20, 2008.
3. The purpose of the attached Regulation is to regulate the construction, modification, and demolition of buildings within Oakmont. The regulation establishes criteria for the issuance of building and demolition permits by Oakmont. Oakmont permits would be contingent on the receipt of a County permit.
4. Public hearings on this Regulation were held on April 24, 2007 and on April 8, 2008.

### **Action**

The County Council for Montgomery County, Maryland approves the following resolution:

The County Council approves the attached Regulations for Oakmont.

This is a correct copy of Council action.

  
Linda M. Lauer, Clerk of the Council

**RESOLUTION  
OF THE CITIZENS' COMMITTEE OF OAKMONT  
ADOPTING REGULATIONS GOVERNING BUILDING PERMITS**

**BE IT RESOLVED**, by the Oakmont Citizens' Committee that the following Regulations governing building and demolition permits are adopted and recommended to the Montgomery County Council for its approval.

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**WHEREAS**, Oakmont is a Special Taxing District chartered under the laws of the State of Maryland. (The Maryland Code Annot., Article 26, Section 1); and

**WHEREAS**, Montgomery County recognizes Oakmont as a Special Taxing District located within the County. Montgomery County Code, Chapter 70;

**WHEREAS**, under the Charter granted by the State of Maryland establishing Oakmont as a Special Taxing District, "[t]he citizens' committee, subject to the approval of the county council, may adopt such regulations with respect to dumping of garbage, sanitation, erection of buildings, tearing up of streets, speed regulations, care of property, removal of snow, ice or other police or health regulations, and may provide penalties for the violation thereof, as the committee may deem proper, after giving the residents of Oakmont reasonable notice and opportunity to be heard with respect to these regulations." (Acts of Maryland, 1918, CH.190, as amended by Acts of Maryland, 1979, CH.728, as codified in Montgomery County Code, Section 70-6(a);

**WHEREAS**, Oakmont residents have expressed interest in having an appropriate community process for reviewing construction and demolition in the Special Taxing District as a means of ensuring that the construction and demolition is consistent with County standards, and as a means for protecting property of the Special Taxing District during construction and demolition; and

**WHEREAS**, public hearings on regulating building and demolition permits were held by the Oakmont Citizens' Committee on April 24, 2007 and on April 8, 2008, after due notice to residents of Oakmont;

**NOW, THEREFORE**, the Oakmont Citizens' Committee adopts the following regulations and requests approval by the Montgomery County Council:

## OAKMONT BUILDING AND DEMOLITION PERMITS

1. ***Building or Demolition Permit Required.*** No building shall be erected, removed, or demolished within Oakmont, nor any modification made in the exterior of any portion of a building, which requires a building permit from Montgomery County, until a permit therefor is approved and issued by the Citizens' Committee of Oakmont ("Committee").
2. ***Permit Application.*** An application for a building or demolition permit shall be submitted to the Committee containing the information listed below in this section. The Committee may request additional information. The Committee may prepare and require an application form. The Committee may establish by Resolution a fee to be charged to all applicants. The Committee from time-to-time may change the fee by Resolution, but the fee shall not exceed \$100. An application may be denied for failure to provide the requested information.

The application must include:

- a. The signature of the owner and/or his or her authorized agent;
  - b. The street address, plat number, and date of subdivision plat recordation of the lot where the proposed work is to be performed;
  - c. The full name and address of each owner;
  - d. A brief description of the work for which the building or demolition permit is requested;
  - e. A copy of the building or demolition plans and all other documents submitted or anticipated to be submitted to Montgomery County as part of the application for a building or demolition permit for the identical work issued by Montgomery County;
  - f. A certification by the applicant that the applicant provided to the owners of adjoining and confronting property within Oakmont, and to the occupants of said property if the owners are not the occupants, a reasonable opportunity to inspect the building or demolition plans and notice of the anticipated date of the hearing before the Committee. The certification shall include an explanation of the steps taken to comply with these requirements and to identify those persons who have inspected the plans; and
  - g. A deposit or bond for repairs, not to exceed \$10,000, as set forth in Section 7 below. The Committee may reduce or waive this requirement if the Committee finds it unnecessary considering the scope of the work, or if the Committee deems the work poses no risk to Oakmont property.
3. ***Criteria for Issuance of Permit.*** In approving or disapproving an application, the Committee shall consider the following factors:

- a. Whether the application is complete and conforms to the requirements of these Regulations;
  - b. Whether the proposed work complies with the provisions of Chapter 8 of the Montgomery County Code;
  - c. Whether the proposed work complies with all applicable subdivision and zoning requirements; and
  - d. Whether the proposed work complies with all other applicable Oakmont Regulations and County, State, and Federal laws.
4. ***Permit Contingent on County Permit.*** Oakmont Building and Demolition Permits are effective and valid only for the identical work authorized by a valid Building or Demolition Permit issued by Montgomery County and only for that time period for which the Montgomery County Permit is valid.
  5. ***Timeline:*** The Committee must receive the application no later than 30 business days prior to permit application being made to the County. Within that time period, the Committee shall provide written notice of the results of its deliberations to the applicant. The Committee reserves the right to negotiate a longer period to deliberate in the case of complex work.
  6. ***Communication with the County Regarding Authorization.*** The Committee may send written notice of the results of its deliberations to the County, whether or not authorization is granted.
  7. ***Liability for Damage to Oakmont Property.*** As a condition for the grant of a permit, the permit holder shall be liable for any damages to Oakmont property including damages to rights of way, sidewalks, curbs, streets and green space. This includes damages caused by utility companies. Permit holders shall be responsible for paying any expenses necessary to repair such damage as close to the original condition as possible.

If any repairs have not been made within 30 days from the Committee's notifying the permit holder that they are needed, the Committee may use the funds on deposit, by bond or otherwise, as is necessary to repair the damage.

Any remaining funds on deposit not needed shall be returned to the permit holder upon completion of any work for which the permit had been issued and any associated repairs, along with any interest earned on the deposit. Such completion shall be determined by the Committee after notification by the permit holder. Should the funds on deposit prove insufficient to cover damages, the Committee reserves the right to charge any additional and necessary costs of repair to the permit holder, or against the property for which a permit was issued, to be collected as a tax in a manner similar to other taxes.

Nothing in this provision may be construed as precluding the Committee from seeking to recover, through any other lawful means, the full cost of any necessary repairs or restoration work.

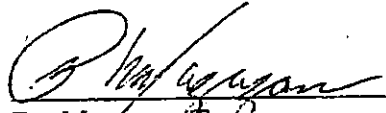
8. ***Stop Work Order.*** Whenever the Chairman of the Committee, or his or her delegate, may determine that actions are being taken in violation of the provisions of this Regulation, he or she

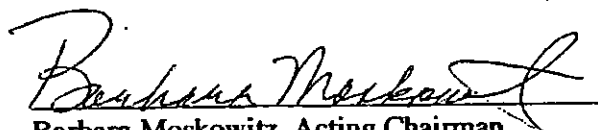
may order such work to be stopped immediately. A Stop Work Order shall be issued in writing and served upon the owner of the property, the owner's agent, or the person doing the work. It shall be unlawful for any person to continue to permit continuation of work in or about the property after having been served with a Stop Work Order. The permit holder may appeal such Order to the Committee, which, upon request, shall hold a hearing within fourteen (14) days.

9. **Revocation of Permit.** After a hearing, the Committee may revoke a permit issued under these Regulations in the case of any false statements or misrepresentations of fact in the application or on the plans on which the permit was based, or in the case of any violation of these Regulations or violation of any condition upon which the permit was issued. The Committee may notify the County of such revocation.
10. **Penalty for Violation of Regulations.** Anyone failing to comply with these Regulations shall make or cause to be made such corrections, abatements, alterations or removals of work commenced or finished as may be necessary to remedy a condition that violates these Regulations, within thirty (30) days from the date of notification of violation. Failure to do so may be punished as a misdemeanor by a fine of not more than \$250, with each day of the violation constituting a separate offense. In addition to any other fine, penalty, or remedy, the Committee may seek to enjoin any violation of these Regulations, may seek to recover the full cost of repairing or restoring any damage to Oakmont property, and may recover from the violator the costs of such an action, including reasonable attorney's fees. The Committee may, by contract or otherwise, remove, demolish, or restore such structure or parts thereof that violate these Regulations, or otherwise correct or abate the violation, and the cost of such work and the damage resulting therefrom may be charged against the permit holder, or against the property for which the permit was issued and collected as a tax in a manner similar to other taxes.

**APPROVED:**

Oakmont Citizen's Committee by a vote of 2 in favor; 0 against on April 8, 2008.

  
Pat Mazuzan, Treasurer

  
Barbara Moskowitz, Acting Chairman